IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent application:)
Braun et al.) Before the Examiner
Serial No. New Application)) Unknown
Filed Herewith)
ORTHOPEDIC DISTRACTION IMPLANTS AND TECHNIQUES) Atty Docket No. 4002-3068/PC798.00
INITERITORIAD TECHNIQUES) January 30, 2004

INFORMATION DISCLOSURE STATEMENT

Commissioner of Patents P. O. Box 1450 Alexandria, VA 22313-1450

Sir:

Pursuant to the duty of disclosure embodied in 37 C.F.R. §1.56 and 1.98,

Applicant wishes to bring to the attention of the Examiner the items of information listed on the enclosed Information Disclosure Statement by Applicant. This information has not been previously submitted in this application, and has not been heretofore cited by the examiner. Copies of the non-U.S. Patent references are enclosed herewith.

Express Mail Label No. EV394105779 Date of Deposit January 30, 2004

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR §1.10 on the date indicated above and is addressed to the Commissionen for Patents, P.O. Box 1450 Alexandria, VA 22313-1450.

The filing of this Information Disclosure Statement shall not be construed as an admission that the information cited is, or is considered to be, prior art or material to the patentability as defined in 37 C.F.R. §1.56.

This Statement is being submitted with the filing of the application and before the mailing of a first Office Action on the merits. Therefore, it is believed that no fee is required for consideration of the submitted items. Should any fee be required, please charge such fee to Deposit Account No. 23-3030, but not to include any payment of issue fees.

Respectfully submitted,

By:

Dougles A. Collier Reg. No. 43,556

Woodard, Emhardt, Moriarty, McNett & Henry, LLP

Bank one Center/Tower

111 Monument Circle, Suite 3700

Indianapolis, IN 46204-5137

(317) 634-3456

004002-003068.DAC.262903

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number

Substitute for form 1449A/PTO		Complete if Known			
Substitut	e ioi ioiiii 1449A/F	449A/P10		Application Number	New Application
INF	INFORMATION DISCLOSURE STATEMENT BY APPLICANT			Filing Date	Herewith
ST				First Named Inventor	Braun
				Group Art Unit	
(use as many sheets as necessary)			necessary)	Examiner Name	
Sheet	2	of	3	Attornev Docket Number	4002-3068/PC798.00

			U.S. PATEN	T DOCUMENTS		
Examiner Cite Initials* No.1		Document Number Number-Kind Code ² (If known)	Table of alcine of		Pages, Columns, Lines where Relevant Passages or Relevan Figures Appear	
	22	US-6,290,700	09/2001	Schmotzer		
	23	US-6,293,949	09/2001	Justis et al.		
	24	US-6;325,805	12/2001	Ogilvie et al.		
	25	US-6,530,929	03/2003	Justis et al.		
	26	US-6,616,669	09/2003	Ogilvie et al.		
	27	US-6,623,484	09/2003	Betz et al.		
	28	US-2003-0083657-A1	05/2003	Drewry et al.		
-						

Examiner Initials*	Cite No. ¹	Foreign Patent Document Country Code ¹ -Number ⁴ -Kind Code ⁶ (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Application of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	Τ*

						_

Examiner Signature	Date Considered	
Oignature	30.03070	

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

Burden Hour Statement: This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.s. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

¹ Applicant's unique citation designation number (optional). ² See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the emperor must precede the serial number of the patent document. ⁵ Kind of document by the ap0propriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number

Substitute for form 1449A/PTO		Complete if Known			
		Application Number	New Application		
INFORMATION DISCLOSURE			LOSURE	Filing Date	Herewith
STATEMENT BY APPLICANT		First Named Inventor	Braun		
(use as many sheets as necessary)				Group Art Unit	
			ecessary)	Examiner Name	
Sheet	- 1	of	3	Attornev Docket Number	4002-3068/PC798.00

			U.S. PATEN	T DOCUMENTS	
Examiner Initials*	Cite No. ¹	Document Number Number-Kind Code ² (If known)	Publication Date MM-YYYY	Name of Patentee or Application of Cited Document	Pages, Columns, Lines where Relevant Passages or Relevant Figures Appear
	1	US-3,565,066	02/1971	Roaf	
	2	US-3,865,105	02/1975	Lode	
	3	US-3,977,397	08/1976	Kalnberz et al.	
	4	US-4,078,559	03/1978	Nissinen	
	5	US-4,369,770	01/1983	Bacal et al.	
	6	US-4,386,603	06/1983	Mayfield	
	7	US-5,147,360	09/1992	Dubousset	
	8	US-5,282,863	02/1994	Burton	
	9	US-5,540,688	07/1996	Navas	
	10	US-5,609,634	03/1997	Voydeville	
	11	US-5,672,175	09/1997	Martin	
	12	US-5,683,390	11/1997	Metz-Stavenhagen et al.	
	13	US-5,702,395	12/1997	Hopf	
	14	US-5,961,516	10/1999	Graf	
	15	US-6,015,409	01/2000	Jackson	
	16	US-6,019,760	02/2000	Metz-Stavenhagen et al.	
	17	US-6,132,431	10/2000	Nilsson et al.	
	18	US-6,224,.599	05/2001	Jackson	

	Cite	Cite No.1		Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Application of Cited	Pages, Columns, Lines, Where Relevant Passages or Relevant	T ⁶
	140.	Country Code ³ -Number ⁴ -Kind Code ⁵ (if known)	IVIIVI-DU-T T T T	Document	Figures Appear			
	19	WO 96/01598	01-25-1996					
	20	EP 0 667 127 A1	08-16-1995					
	21	EP 0 669 109 B!	08-30-1995		pp.6, 810			
					-			

Examiner	Date Conside	red
Signature	Conside	red

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

Burden Hour Statement: This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.s. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Applicant's unique citation designation number (optional). ² See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the emperor must precede the serial number of the patent document. ³ Kind of document by the ap0propriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

WEMMH/SB/08B (4/03)

Approved for use through 10/31/2002. OMB 0651-0031
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number

	0.1-11.1-1-1-1-1-1-1-1-1-1-1-1-1-1-1-1-1			Complete if Ki	nown	1		
Substitu	ite for fo	orm 1449B/PTO)		Application Number	New Application		_
INI	FORM	MATION DIS	SCLOS	URE	Filing Date	Herewith		_
		MENT BY			First Named Inventor	Braun		
ł					Group Art Unit			_
Ì	(µse as	s many sheets a	as necessa	ary)	Examiner Name	 		_
Sheet	 	3 (of	3	Attorney Docket Number	4002-3068/PC	798.00	
Examiner initials*	Cite No.1	include name of serial, sym	the author (in CAPITAL LET alog, etc.), date,	TERS), title of the article (when app , page(s), volume-issue number(s) p	propriate), title of the i	tem (book, magazine, journal, ountry where published	T ²
	29				for Dynamic Re-stabiliza zer Medica Annual Repo		egments in Case of	
	30	Dynamic Re	-stabiliza	tion of Spir	nal Segments; Sulzer Tec	hnical Review;	1999.	
			·					
			Y					
						· · · · ·		
								1
-		_						
						· ·		
					· · · · · ·			
Examiner	T					Date		
Signature						Considered		

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

Burden Hour Statement: This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450. 004002-003068.DAC.262890

Applicant's unique citation designation number (optional). 2 Applicant is to place a check mark here if English language Translation is attached.